

TOWN OF CAPE ELIZABETH MEETING AGENDA

MEETING: Energy Committee
DATE: Wednesday, April 2, 2025
TIME: 7:00 p.m.
PLACE: Jordan Conference room

Roll Call

Public Comment

Approval of Minutes from Previous Meeting Items on the Agenda:

1. Solar Evaluation of Current Offer

Next Meeting/Event

- 7 pm April 17, 2025, Jordan Conference Room in Town Hall

Public Comment

Adjournment

Public

This policy intends to allow public participation by interested parties and provide for orderly committee deliberation.

Decorum

Persons at the Energy Committee meetings shall not applaud or otherwise express approval or disapproval of any statements or actions taken at such meetings. They may only address the Committee after being recognized by the chair.

Town of Cape Elizabeth – Energy Committee

Meeting Minutes

Date: February 13, 2025

Time: 7:00 PM – 8:00 PM

Location: Town Hall Chamber

Attendance:

- Present: Sam Milton, Richard Parker, David Kane, Ian Sample, Roise Blenkhorn, David Bagdasarian
 - Absent: Vince Flaherty, Niko Dietsch
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Agenda Topics:

1. Approval of Previous Meeting Minutes

- Previous minutes were not available at the time of the meeting. Approval tabled until the next session.
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2. Freedom of Access Act (FOAA) Overview

- Brief training on the Maine Freedom of Access Act (FOAA):
 - o Ensures transparency in government meetings and communications.
 - o Training required within 120 days of taking office.
 - o All emails/documents related to public business are public records unless exempt.
 - o Any meeting with 3+ members must be public.
 - o No deliberations or decisions may be made outside of public meetings.
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4. Solar Project Update (Encore)

- Encore missed the second amended deadline to bring the solar array online.
- Current analysis projects \$31,000 savings in Year 1, with that credit currently going to the ice rink.
- Concerns voiced over:
 - o Failure to meet deadlines
 - o Significant variance between original and current contract terms
 - o Absence of transparency and poor communication from Encore
- Key Findings:
 - o Contractual savings dropped from originally projected \$1.2M to \$744k over 20 years.
 - o NEB rate assumptions and PPA rate shifts significantly affect savings estimates.

- o Final signed contract lacks a clear seven-year buyout clause unless Encore fails to deliver by 2030.
 - o Encore claims equipment was ordered, but no evidence has been provided.
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5. Committee Discussion & Recommendations

Key concerns raised:

- The town may have legal grounds to terminate based on missed deadlines.
- Need for clarity on:
 - o Permits held
 - o Procurement and construction timeline
 - o Maintenance and inspection responsibilities
 - o Access to live performance data from the field

Recommendations proposed:

1. Immediate legal review by David Littell (Town Energy Counsel).
 2. Require:
 - o Proof of permits
 - o Milestone tracking and timeline
 - o Penalty clauses for non-performance
 - o Assignment of a town-side project manager to monitor progress
 3. Consider renegotiating or reissuing an RFP if Encore fails to proceed.
 4. Create a formal memo to the Town Manager by Monday outlining concerns and requests.
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6. Broader Sustainability Planning

- Discussion on Climate Action Plan implementation and committee's evolving role.
 - Committee supports expanding scope from "Energy" to Sustainability, covering:
 - o Building codes and procurement policies
 - o School-specific initiatives
 - o Shared sustainability staffing across departments
 - o Grant opportunities and EV infrastructure
 - Committee recommends breaking action items into three paths:
 1. Municipal leadership examples
 2. Community initiatives
 3. School district engagement
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8. Next Steps

- Committee to draft memo summarizing:
 - o Solar contract concerns and legal questions

- o Revised committee charge and authority
 - o Recommendations for internal policies that support climate goals (e.g., purchasing procedures)
 - o Need for workshop with Town Council and School Board
 - Next meeting will include formal review of minutes and check-in on memo delivery and response.
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Adjournment

- Motion to adjourn passed.
 - Meeting concluded at approximately 8:00 PM.
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Next Meeting:

- **Date:** February 20, 2025
- **Location:** Jordan Conference Room, Town Hall